

# PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

## Application of

JOHN S. BIBB, ET. AL.

Application No. 09/587,544

Filed: June 5, 2000

For: PILOT HYDRAULIC CONTROL  
FOR A PAIR OF STABILIZER  
LEGS ON A BACKHOE LOADER  
MACHINE

Attorney Docket No. 00-318

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)  
) Art Unit: 3618  
)  
) Examiner: C. BOTTORFF  
)  
) Paper No.: 10

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Peoria, Illinois 61629-6490

January 23, 2002

Assistant Commissioner for Patents  
Washington, D.C. 20231

PETITION UNDER 1.183 TO WAIVE RULES UNDER 1.134

Sir:

Applicant respectfully petitions the Commissioner under 37 CFR 1.183 to waive the rules under 37 CFR 1.134 so that the time period for reply to an Office Action for the above-mentioned patent application may be reset.

## STATEMENT OF FACTS

Applicant is submitting this petition due to the fact that the Examiner did not receive Applicants' Amendment After Final Rejection ("Amendment") prior to the due date of July 30, 2002. However, the Amendment was submitted by Applicant to the Patent and Trademark Office on July 25, 2002 (with a Certificate of Mailing dated 7/25/2002).

On or about January 7, 2003, Applicant was notified by the Examiner that the Amendment was not received. In response to the notification, Applicant faxed a copy of the Amendment, and accompanying Certificate of Mailing, to the Examiner on January 8, 2003.

The Examiner sent Applicant an Advisory Action on January 10, 2003 wherein the period for reply was set to expire three (3) months from the mailing date of the final rejection. Due to the fact that the final rejection for the above-mentioned patent application was July 30, 2002, it would be impossible to submit a reply on the Advisory Action given that 37 CFR 1.134 sets the maximum period for reply at six months.

**POINT OF REVIEW AND ACTION REQUESTED**

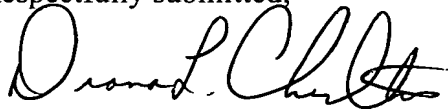
Given the facts set forth above and Applicant's inability to reply to the Advisory Action under 37 CFR 1.134, Applicant respectfully submits that the period for reply should be reset. In that regard, Applicant respectfully requests that the period of reply for the Advisory Action should be set from the mailing date of the Advisory Action itself and not the final rejection. This will allow Applicant to file the Notice of Appeal with a one-month extension of time.

**CONCLUSION**

Applicant respectfully submits that this petition is requested in an extraordinary situation and that it is just to waive the rules so that Applicant may proceed with a Notice of Appeal under a one-month extension of time. Given that Applicant was not at fault in this situation, Applicant respectfully requests that the period of reply be reset.

Please charge the required fee under 37 CFR 1.17(h) for the petition to the Applicant's debit account, duplicate copies of the fee transmittal sheet are attached hereto.

Respectfully submitted,



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